IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3647 OF 2006

Shri.Bapu Sadhu Yadav ...Petitioner
V/s.
Krishna Sahakari Bank Ltd. & Ors. ...Respondents

Mr.A.S. Desai, Advocate, for the Petitioner.
Mr.Rajesh S. Kachare, Advocate, for the Respondents.

CORAM : R.M. SAVANT, J.
DATE : March 7, 2007.

P.C.:

. This petition is filed challenging the order dated 13.04.2006 passed by the Member of the Maharashtra State Co-operative Appellate Court, (Mumbai) Bench, Pune. By the said order the Revision Application filed by the petitioner came to be dismissed.

. The petitioner had obtained loan of Rs.65,000/- from Respondent No.1 Bank. For the said loan Respondent Nos.2 & 3 were the sureties. On default committed by the petitioner, the Bank filed dispute bearing No.CC/S/No.376/2001 in the Co-operative Court for recovery of the said loan amount from the petitioner. A notice of the said dispute came to be served on the petitioner as well as Respondent Nos.2 & 3. It appears that prior to the said dispute being filed the Bank had also issued a notice calling upon the petitioner to pay the outstanding amount. In

spite of the service of the summons on the petitioner, the petitioner did not respond to the same. Consequently the said dispute was decided ex-parte and award came to be passed on 13.03.2002 directing the Petitioner and Respondent Nos.2 & 3 to pay the sum of Rs.1,19,302/- with future interest @ 19% p.a. on Rs.65,000/- from 01.04.2001. Pursuant to the said award, a demand notice was served upon the petitioner on 17.06.2002 which was received by the petitioner on 25.06.2002.

. The petitioner in spite of the demand notice did not take any steps for challenging the said award and ultimately filed a Revision Application on 11.11.2003 i.e. almost after a gap of about 18 months. The only justification given by the petitioner is that the petitioner become aware of the award only when the Respondent Nos.2 & 3 informed him about the same.

. In the teeth of the pre-dispute notice, the service of summons on the petitioner and the demand notice dated 17.06.2002, the said justification given by the petitioner cannot be accepted. The petitioner has not even bothered to give any sufficient cause for the long delay in filing the Appeal. In that view of the matter, both the Courts below came to a conclusion that no case for condonation of delay has been made

out. Having perused the orders, I do not find any error committed by the Courts below for this Court to interfere in its jurisdiction under Article 227 of the Constitution of India. The petition is, therefore, summarily dismissed.

(R.M. SAVANT, J.)